

United States General Accounting Office

GAO

Report to the Chairman, Subcommittee
on Water, Power and Offshore Energy
Resources, Committee on Interior and
Insular Affairs, House of
Representatives

31

September 1989

ALASKA WILDLIFE REFUGES

Restrictive Criteria Used to Recommend Additional Wilderness



Resources, Community, and
Economic Development Division

B-229232

September 28, 1989

The Honorable George Miller
Chairman, Subcommittee on Water, Power
and Offshore Energy Resources
Committee on Interior and
Insular Affairs
House of Representatives

Dear Mr. Chairman:

In response to your November 28, 1988, request, we have reviewed the recommendations made by the Department of the Interior's Fish and Wildlife Service (FWS) for additional wilderness designations in its 16 Alaska wildlife refuges. These recommendations, made pursuant to the Alaska National Interest Lands Conservation Act (ANILCA), were made after Alaska refuge managers and other FWS planning team members in the Alaska region evaluated each refuge, determined the additional acreage that was qualified for wilderness designation under FWS' Wilderness Act criteria, and submitted several alternative wilderness recommendations to FWS Alaska region and headquarters management. FWS management chose a preferred alternative for each refuge and submitted its recommendations to the Assistant Secretary of the Interior for Fish and Wildlife and Parks. Once the recommendations are formally approved by the Secretary of the Interior, the Secretary will transmit the recommendations to the President who, in turn, is required to submit final recommendations to the Congress.

As agreed with your office, this report compares the FWS recommendations for additional wilderness acreage with the total acreage found qualified for wilderness designation as well as the levels that refuge managers and other Alaska region planning team members told us they preferred. It also identifies the reasons for any differences between them.

Results in Brief

FWS' recommendation to include an additional 3.4 million acres of wilderness in Alaska national wildlife refuges represents less than 7 percent of the 52.6 million acres found qualified as wilderness by FWS Alaska regional office planning teams. The 3.4 million acres was also less than one-seventh of the levels refuge managers and planning team members would have preferred from a professional refuge management standpoint. FWS' recommendations stem primarily from applying two

criteria promulgated by the FWS Director that restricted additional wilderness recommendations to (1) areas that FWS believed had special significance and were overlooked by the Congress when it enacted ANILCA and (2) boundary adjustments to existing wilderness areas. The preference for more wilderness by planning team members, including refuge managers, arose from their judgments that resource and wildlife protection could best be accomplished by wilderness designation. (Appendix I provides a refuge-by-refuge breakdown of the areas found qualified, those areas refuge managers and the planning teams preferred, and those recommended by FWS.)

Background

The national wildlife refuge system is made up of 452 refuges whose primary purpose is to conserve wildlife populations and their habitats. Sixteen of these refuges spanning 77 million acres of federal lands—an area roughly the size of New Mexico—are located in Alaska. The largest of these refuges, Yukon Delta, is by itself almost the size of South Carolina. The Alaska refuges provide unparalleled habitat for diverse kinds of wildlife such as bears, moose, caribou, seals, walrus, salmon, eagles, and many kinds of migratory waterfowl. The refuges, shown in figure 1.1, cover a wide variety of terrain and vegetative characteristics including tundra, deltas and other wetlands, mountains, wild rivers, and ice fields.

Figure 1: National Wildlife Refuges in Alaska



ANILCA, enacted in December 1980, set aside a large portion of Alaska lands as "conservation system units"—lands that would be provided various degrees of protection from development through their designation as national wildlife refuges, national parks, wilderness areas, or other special federal land categories. With respect to refuges, the act created 9 of the 16 refuges and added about 27 million acres to existing ones. It also designated almost 19 million acres within the boundaries of these Alaska refuges as wilderness.

Under the Wilderness Act, wilderness areas are established to provide for present and future generations a long-lasting system of pristine, undeveloped lands. The act prohibits commercial enterprise and permanent roads, and it generally prohibits temporary roads, use of motor vehicles, motorized equipment or motorboats, landing of aircraft, and development of structures unless they are deemed essential for the management of the area.¹ Accordingly, the purpose of adding wilderness classification to refuge status, beyond preserving wilderness values, is to provide additional protection for fish and wildlife species that are sensitive to human activities.

In addition to establishing some wilderness areas statutorily, the act required the Secretary of the Interior to review all Alaska refuge lands not already designated as wilderness in ANILCA to determine their suitability or nonsuitability for preservation as wilderness and to report these findings to the President. The President, in turn, is required to advise the Congress of the Secretary's recommendations. The President's recommendations become effective only if enacted into law.

The Secretary of the Interior delegated responsibility for preparing initial recommendations to FWS. FWS decided to incorporate its evaluation of possible additional wilderness into a comprehensive conservation planning process also mandated by ANILCA. The process was conducted by FWS' Alaska region and covered numerous refuge management issues.

To develop the comprehensive conservation plans, FWS' Alaska region formed planning teams composed of regional planning staff and specialists, such as biologists and ecologists. In addition, individual refuge managers and refuge staff joined the teams on a rotating basis as the team turned its attention to their refuge.

With respect to preparing wilderness recommendations, the planning teams, as directed by FWS Alaska region management, evaluated the non-wilderness acreage of each refuge for wilderness suitability. First, they reviewed the refuges to determine which of the lands were qualified for wilderness designation. The teams then developed wilderness alternatives for each refuge that represented various approaches to refuge management. The alternatives typically ranged from no additional wilderness to all the acreage found qualified for designation. These alternatives were incorporated into draft conservation plans that were

¹ ANILCA makes certain exceptions to the Wilderness Act for the management of wilderness areas in Alaska.

submitted to the Alaska region director who proposed a preferred alternative to FWS headquarters. FWS' ultimate selection was then directed by FWS headquarters.

FWS Management Criteria Significantly Reduced Acreage Recommended for Additional Wilderness Designation

On the basis of the definition of wilderness in the Wilderness Act of 1964, FWS devised seven criteria for evaluating the wilderness qualities of refuge land. These criteria are land ownership, natural integrity of the area, apparent naturalness, opportunities for solitude, primitive recreation opportunities, size (generally at least 5,000 contiguous acres), and presence of unique or special features. Of the 77 million acres in the refuges, 18.7 million acres were already designated as wilderness by ANILCA and other previous legislation. The planning teams determined that 52.6 million acres of the remaining lands were also qualified for wilderness designation using the FWS Wilderness Act criteria.

Although the planning teams found that 52.6 million acres were qualified for wilderness designation, FWS ultimately recommended that only 3.4 million acres be preserved as additional wilderness. The primary reason for this large difference in acreage levels was the strict application of management criteria developed and promulgated by the FWS Director in 1985. These criteria established how FWS determined which of the lands found qualified for wilderness would be recommended for preservation as wilderness.

In the memorandum announcing the criteria, the FWS Director asserted that prior to enacting ANILCA, the Congress had carefully reviewed Alaska lands for inclusion in the wilderness system. In view of this, the director indicated that he would not expect that additional large blocks of land would be proposed for wilderness. Specifically, he pointed to section 101(d), which states that the disposition of public lands set forth in ANILCA represents "a proper balance" between the preservation of national conservation system units and those public lands necessary and appropriate for more intensive uses and dispositions. Thus, in his view the Congress believed that this section made future legislation designating new conservation system units unnecessary. On the basis of his reading of this provision, the director specified that FWS was to focus its wilderness proposals on (1) adjusting the boundaries of existing wilderness areas, for example, including entire watersheds or other ecological entities or (2) adding tracts of nonwilderness lands with outstanding or unique resource values that might have been inadvertently overlooked by the Congress in its ANILCA wilderness designations.

Establishing criteria is a permissible exercise of the FWS Director's authority and responsibility to plan for and manage the refuges in Alaska. In arriving at his criteria, the director interpreted section 101(d) of ANILCA in a way that led him to believe that FWS should only recommend a small part of qualified refuge lands for additional wilderness designation. In our opinion, however, designating even large refuge areas as additional wilderness would not upset the balance that the Congress was addressing in section 101(d). National wildlife refuges are already national conservation units; designating portions of existing refuges as wilderness would not add to lands in the conservation system unit category. It would merely place an additional classification on lands already in a conservation system unit. Accordingly, the proper balance set by the Congress would not be disturbed.

Alaska region staff told us that the director's 1985 criteria, issued 3 years after the wilderness evaluation process began and after some draft plans had been submitted, changed the evaluation rules. They said that the criteria were strictly applied and consistently resulted in recommended alternatives that were far lower than the levels favored by the planning teams.

The strict application of these criteria had an especially dramatic impact on the recommendations for several refuges. For example, more than two-thirds of the refuge land found qualified for wilderness designation, but not recommended for designation, was in three refuges—Arctic, Yukon Delta, and Yukon Flats. FWS ultimately recommended 650,000 acres of the 8.5 million qualified acres in the Yukon Flats refuge and no additional acres of the combined 24.4 million qualified acres in the Arctic and Yukon Delta refuges. No additional land was recommended in the Arctic refuge even though the Alaska region director believed that 5.2 million acres could have been justified under FWS' management criteria. The circumstances surrounding the development of FWS recommendations on these three refuges are described in appendix II.

Refuge Managers and Regional Planning Teams Would Have Preferred Much More Land Recommended as Wilderness

We asked the refuge managers and the planning teams what recommendations for additional wilderness they would have preferred based on their professional judgment about the best way to manage refuge resources. Refuge managers told us that they would have preferred recommendations totaling 31.9 million additional acres for wilderness designation in the 16 refuges, while the planning team consensus preference was about 26.9 million acres. While less than the levels found qualified for wilderness designation, both of these preferences were more than 7 times higher than the 3.4 million acres developed under the FWS Director's restrictive criteria and ultimately recommended by FWS.

The refuge managers and the planning teams offered several reasons why their preferences were lower than the 52.6 million acres deemed qualified for wilderness designation as well as why their preferences differed with each other. These reasons centered around their professional judgment of what would be best for the effective operation of the refuges.

First, some refuge managers expressed concern that in some cases, wilderness designation would deprive them of the flexibility to manage the refuge's resources effectively. For example, the former Kanuti refuge manager said that wilderness designation would prevent the habitat manipulation necessary to protect certain wildlife populations. In this case, the former refuge manager preferred having the flexibility to remove or change beaver dams so that he could efficiently control water levels and thereby maintain waterfowl populations on the refuge.

Second, in some instances, refuge managers or other team members believed wilderness designation was not necessary because there was no significant threat of overuse or development. For example, the manager of the remote Selawik National Wildlife Refuge said that the geography of the refuge acts as a natural barrier against the threat of overuse or development. Conversely, other refuge managers said that existing heavy recreational and subsistence use made wilderness designation unsuitable in some areas. For example, the Becharof refuge manager said that, in a portion of the refuge, wilderness regulations would be difficult to enforce because so many Alaskan Natives use the land in their subsistence hunting and fishing activities.

Third, differences in professional judgment on how refuge lands can be best managed also accounted for the roughly 5-million-acre difference between the preferences of the refuge managers and the planning teams. For example, the Togiak refuge manager's preference for 925,000 acres

of additional wilderness was much higher than the planning team's 334,000-acre consensus view. The refuge manager described himself as much more of a "wilderness person" than the planning team leader and believed resource protection in the refuge could best be accomplished through greater wilderness designation. The planning team leader, on the other hand, said that the team's proposal provides a reasonable compromise—allowing subsistence and recreational access to a large part of the refuge while preserving as wilderness the lands with the highest wilderness values that are most susceptible to disturbance. The planning team ultimately believed that larger acreages of wilderness would increase recreation and hunting pressure on the remaining nonwilderness land in the refuge to an unacceptable level.

Matter for Consideration by the Congress

The final FWS recommendations for additional wilderness in Alaska's wildlife refuges are based primarily on its policy to hold wilderness designations to a minimum. As such, they do not reflect the preferences of refuge managers and other FWS staff most familiar with the refuges' management. If these recommendations are adopted by Interior and ultimately forwarded by the President, we believe it is important for the Congress to consider how, and on what basis, they were prepared as it decides how much additional wilderness to establish.

Agency Comments and GAO Evaluation

The Department of the Interior reasserted its position that Section 101(d) of ANILCA represented congressional intent to limit the establishment of additional conservation units, including wilderness areas. Interior also said that wilderness designation in national wildlife refuges limits the flexibility and management options of refuge managers.

Interior's view fails to take into account the nature of the balance that the Congress was trying to establish in ANILCA. The Congress expected that future legislation designating new conservation units would be unnecessary because under ANILCA, a proper balance had been achieved between two different purposes for the public lands in Alaska. The public lands were either (1) reserved as national conservation system units—for example, wildlife refuges and national parks—to protect the national interest in the scenic, environmental, and cultural values of such lands or (2) made available for more intensive use and disposition to meet the economic and social needs of the state of Alaska and its people. While the subsequent designation of areas within national wildlife refuges as wilderness would literally create new conservation system units, these units would be within the boundaries of existing units.

Therefore, we believe these designations would not affect the proper balance that the Congress was seeking between the two purposes for Alaska's public lands. It would merely add an additional classification—"wilderness"—to land already in a conservation system unit, a national wildlife refuge.

While we recognize that wilderness designation limits FWS management options in refuges, the preferences of refuge managers and other study team members for more wilderness indicate that such status will serve to enhance the refuges' objectives to preserve and protect wildlife even with less management flexibility.

The full text of Interior's comments is included in appendix III. The attachments to these comments were the best copies Interior could provide.

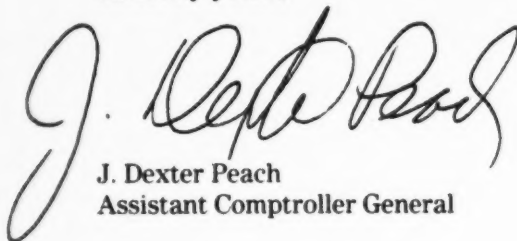
Scope and Methodology

As agreed with your office, our review was limited to obtaining information on Alaska wildlife refuge acreage deemed qualified for wilderness designation, the refuge managers' and planning teams' wilderness preferences, and FWS' recommendations. To obtain this information, we reviewed the draft and final conservation plans developed for each of the refuges, the FWS-developed criteria used by the FWS Alaska region to prepare and evaluate various wilderness alternatives, ANILCA, and the Wilderness Act of 1964. We discussed the criteria with refuge managers and other members of the regional planning teams, the regional director, other regional officials, and with headquarters officials in the Department of the Interior and FWS. We also discussed the development and evaluation of the alternative proposals and wilderness preferences with the planning team leaders, other regional staff who were members of the teams, and the refuge managers.

Unless you announce its contents earlier, we plan no further distribution of this letter until 30 days from its issue date. At that time, we will provide copies to the Secretary of the Interior and the Director, FWS, and make copies available to others upon request. This report was prepared under the direction of James Duffus III, Director, Natural Resources

Management Issues, who may be reached at (202) 275-7756. Other major contributors to this report are listed in appendix IV.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "J. Dexter Peach".

J. Dexter Peach
Assistant Comptroller General

Contents

Letter		1
Appendix I		14
Refuge-By-Refuge		
Comparison of		
Additional Wilderness		
Preferences		
Appendix II		15
How	Arctic National Wildlife Refuge	15
Recommendations for	Yukon Delta National Wildlife Refuge	17
Additional Wilderness	Yukon Flats National Wildlife Refuge	18
Were Reduced—Three		
Case Studies		
Appendix III		20
Comments From the	GAO Comments	28
Department of the		
Interior		
Appendix IV		29
Major Contributors to	Resources, Community, and Economic Development	29
This Report	Division, Washington, D.C.	
	Seattle Regional Office	29
Figure	Figure 1: National Wildlife Refuges in Alaska	3

Abbreviations

ANILCA	Alaska National Interest Lands Conservation Act
CCP	comprehensive conservation plan
FWS	Fish and Wildlife Service
GAO	General Accounting Office

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Refuge-By-Refuge Comparison of Additional Wilderness Preferences

Refuges	Acres			
	Qualified for designation as wilderness ^a	Refuge managers' preference	Planning teams' preference	Final FWS recommendation
Alaska Maritime	324,000	259,000	324,000	110,000
Alaska Peninsula	3,360,000	1,876,000	1,876,000	640,000
Arctic	9,691,000	8,479,000	9,691,000	0
Becharof	606,000	347,000	347,000	347,000
Innoko	2,299,000	0	0	0
Izembek	0	0	0	0
Kanuti	1,281,000	0	0	0
Kenai	380,000	230,000	196,000	196,000
Kodiak	1,589,000	1,589,000	1,589,000	1,170,000
Koyukuk ^b	3,691,000	3,691,000	0	0
Nowitna	1,876,000	318,000	318,000	0
Selawik	1,910,000	984,000	984,000	0
Tetlin	699,000	0	140,000	0
Togiak	1,741,000	925,000	334,000	334,000
Yukon Delta	14,716,000	4,700,000	4,700,000	0
Yukon Flats	8,480,000	8,480,000	6,400,000	650,000
Total	52,643,000	31,878,000	26,899,000	3,447,000
Percent	(100.0)	(60.1)	(51.1)	(6.5)

^aAs shown in the comprehensive conservation plans developed by the refuge planning teams using the 1934 Wilderness Act criteria.

^bIncluding the northern unit of the Innoko refuge which is managed as part of the Koyukuk refuge

How Recommendations for Additional Wilderness Were Reduced—Three Case Studies

This appendix describes the sequences of events leading to the reduction of wilderness proposals in three refuges—Arctic, Yukon Delta, and Yukon Flats. These refuges represent about two-thirds of the total difference between the additional land proposed for wilderness by FWS and the levels deemed qualified for wilderness designation using Wilderness Act criteria by the planning teams. They also represent about three-fourths of the total difference between FWS' recommendations and the refuge managers' preferences for additional wilderness.

Arctic National Wildlife Refuge

The Arctic refuge is located in the extreme northeast corner of Alaska and is the second largest of the Alaskan refuges. The refuge contains major portions of the calving ground for one of the largest caribou herds in Alaska and habitat for the endangered peregrine falcon. Other wildlife species found on the refuge include polar bears, black and brown bears, snow geese, Dall sheep, arctic foxes, moose, and golden eagles. Muskox were successfully reintroduced on the refuge in 1969-70 after having been exterminated from the state by the late 1800s.

The refuge encompasses about 19.5 million acres, with 8 million acres in the refuge currently designated as wilderness. The refuge also includes the 1.5-million-acre "1002" coastal plain area, so named because Section 1002 of ANILCA directed the Secretary of the Interior to conduct biological and geological studies of the area, report the results of those studies to the Congress, and recommend whether the area should be made available for oil and gas exploration and development. The Secretary recommended in 1987 that the coastal plain be opened to oil and gas exploration and development, and FWS excluded the area from wilderness consideration during its comprehensive conservation planning process. This unit is currently being managed by FWS as a minimal management area, pending future congressional action.

The planning team evaluated 9.7 million acres in the refuge for potential additional wilderness designation. Neither the 1.5 million acres of federal lands in the "1002" coastal plain, nor 0.3 million acres of selected and conveyed lands and Native allotments were considered for the wilderness recommendations.

The former refuge manager said the team reviewed the wilderness qualities of refuge lands using FWS Wilderness Act criteria and determined that all of the 9.7 million acres evaluated were qualified for wilderness designation. The planning team developed seven alternatives, A through G, ranging from no additional wilderness to designating all 9.7 million

acres, and incorporated them in the draft and final comprehensive conservation plans (CCPS).

Although the professional preferences of the planning team and refuge managers are not reflected in the CCPS, the planning team leader said the team preferred Alternative F in discussions with FWS management. Alternative F proposed that all the 9.7 million acres be made wilderness. The refuge manager told us he preferred Alternative E, which would have added 8.5 million acres of wilderness, because it left a buffer area between Native villages and proposed wilderness, which he believed would reduce potential management conflicts between activities allowed on private lands but not allowed in wilderness areas.

The planning team leader and refuge manager stated that when the planning team presented its preferred Alternative F to the regional director, the regional director rejected the alternative citing the FWS Director's 1985 criteria for assessing additional wilderness. Subsequently, the Regional Director approved Alternative D, with 5.2 million additional acres of wilderness, because he thought it could be justified as wilderness under these criteria. Therefore, Alternative D was shown as the preferred alternative in the region's internal review version of the draft CCP. However, when this draft was reviewed at FWS headquarters in Washington, D.C., Alternative A with no additional wilderness was selected by FWS headquarters. Consequently, A became the preferred alternative in the draft conservation plan that went out for public comments in January 1988.

The planning team leader said it was widely known in the conservation community that the FWS planning team had recommended more wilderness than was shown in the draft CCP and that Alternative D with 5.2 million acres of additional wilderness had been recommended to FWS headquarters. During the public review period for the draft plan, FWS received over 1,000 letters and comments, with the vast majority favoring adding more wilderness in the refuge.

In developing the preferred alternative for the final CCP, the planning team leader told us that the team considered the FWS headquarters' 1985 management criteria and also the numerous prowilderness comments received from the public. The team supported Alternative D. The new regional director gave his support to Alternative D, as had his predecessor, because it provided an extension of existing wilderness, and he believed the wildlife values were supportable under the 1985 criteria.

The FWS Director, however, supported the "no additional wilderness" Alternative A. The planning team then wrote the final plan, with Alternative A as the preferred alternative. The regional director's Record of Decision of November 1988 recommended Alternative A for the refuge.

Yukon Delta National Wildlife Refuge

The Yukon Delta refuge, the largest of the 16 Alaska refuges, encompasses about 26.3 million acres. Both the Yukon and Kuskokwim Rivers, major salmon migration rivers, traverse the refuge and have created one of the largest river deltas in the world. Although the refuge supports a varied population of mammals, fish, and birds, it has gained national significance as a nesting and rearing habitat of four geese species (cackling Canada geese, Pacific flyway white-fronted geese, emperor geese, and brant) and other waterfowl, shorebirds, and seabirds.

The planning team evaluated about 17.3 million acres in the refuge for additional wilderness designation. It excluded from consideration 1.9 million acres of existing wilderness and 7.1 million acres of selected and conveyed lands and Native allotments. The planning team concluded that an additional 14.7 million acres were qualified for wilderness designation under FWS Wilderness Act criteria. It prepared a number of alternatives, ranging from no additional wilderness to all 14.7 million acres.

According to the planning team leader, among these alternatives, the planning team reached a consensus preference that 4.7 million acres be proposed as additional wilderness; this was also the refuge manager's preference. However, the planning team leader said that the then-regional director indicated that only 1.9 million acres of refuge land would meet the 1985 FWS headquarters' criteria for additional wilderness. This alternative included wilderness designation for habitat of Arctic nesting geese, a high visibility species with a declining population.

The planning team leader told us that during the early rounds of refuge CCP proposals, the plans needed to be approved by FWS Washington, D.C., headquarters. Headquarters staff approved the proposal of 1.9 million acres, and the draft CCP listed it as the region's preferred alternative.

Before the final plan was published, a new regional director came to the Alaska region. The planning team leader said that the new regional director did not approve the 1.9 million acres of wilderness. Consequently, a new alternative, which proposed no additional wilderness,

was inserted in the final CCP as the region's preferred alternative. The regional director's April 1988 Record of Decision adopted this recommendation.

There were other reasons, in addition to the 1985 criteria, for not proposing additional wilderness. The planning team leader said Yukon Delta Natives showed no strong support for additional wilderness. The state of Alaska and Calista, the Native regional corporation for most of the refuge, was opposed to wilderness. The refuge manager told us that the Natives do not totally trust the Wilderness Act, as they feel that the designation of land as wilderness may possibly restrict their lifestyle in the future in ways that FWS minimal management will not.

Yukon Flats National Wildlife Refuge

Yukon Flats refuge is located in east central Alaska, just southwest of and adjoining the Arctic National Wildlife Refuge. As many as 40,000 lakes and ponds are on the refuge, most of them concentrated in the flood plain along the Yukon and other rivers. The refuge is used by at least 210 species of birds, mammals, and fish. The abundance of water provides habitat for waterfowl from all four North American flyways. The refuge provides important nesting, breeding, or migrating habitat for 13 wildlife species categorized by FWS as National Species of Special Emphasis, such as the trumpeter swan, bald eagle, and peregrine falcon. The peregrine falcon is also listed as an endangered species.

The Yukon Flats refuge encompasses 8.5 million acres of federal lands, with an additional 2.7 million acres of selected and conveyed lands, Native allotments, and state and private lands within the refuge boundaries. There is no existing wilderness area in the refuge. The planning team, using FWS Wilderness Act criteria, determined that all of the 8.5 million acres of federal lands were qualified for wilderness designation.

In preparing the draft CCP, the planning team developed five alternative proposals for additional wilderness, designated A through E. The planning team leader told us that the planning team's consensus preference was Alternative D which would have recommended 6.4 million acres of additional wilderness. The refuge manager said that he individually preferred Alternative E, the designation of all 8.5 million acres deemed qualified, because he believed that wilderness designation was the best way to protect the refuge's wildlife values.

Appendix II
How Recommendations for Additional
Wilderness Were Reduced—Three
Case Studies

The planning team presented its preferred alternative to the regional director, who agreed with the team's view. Planning team representatives then presented the regional selection to FWS staff in Washington, D.C., but the planning team leader said the staff expressed some concern over the regional recommendation for this much wilderness. The same presentation was then made to the FWS Director.

The planning team leader observed that the FWS Director did not make an immediate decision on the recommendation but instead asked his headquarters staff and the planning team members to arrive at some consensus. The two groups concluded that the 650,000-acre White Mountain area, with its chalk-white bluffs and Dall sheep habitat, was the only refuge area that possessed the kinds of wildlife values that FWS headquarters believed were unique enough to be protected by wilderness under the March 1985 criteria. The team leader said the FWS Director agreed that the 650,000-acre wilderness proposal was reasonable. After the FWS Director accepted this proposal, it became the preferred alternative in both the draft and final CCPs. The Record of Decision signed by the regional director on December 12, 1987, confirmed the selection of this alternative.

The Yukon Flats Refuge Manager told us that while the White Mountains are scenic, they are not where the best wildlife resources are located on the refuge; he said these areas are located in the flats along the Yukon River. This area, however, is also where the most people live and where the oil and gas potential is the greatest.

The refuge manager also believes that the Natives have no open hostility toward wilderness on this refuge. He said the feeling among most Natives is that they want the land to remain as it is. He said they do not want improvements such as roads and dikes to be constructed. However, he believed the state of Alaska was opposed to wilderness designation because it limits development.

The refuge manager was disappointed with the way the planning process worked because FWS' wilderness recommendation was not based on resource values, but rather on political considerations. He said, however, that a positive aspect of the process was that all of the refuge was shown on the record as being qualified for wilderness.

Comments From the Department of the Interior

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 07 1989

Mr. James Duffus, III
Director
Natural Resources Management Issues
WCED Division
General Accounting Office
Washington, D.C. 20548

Dear Mr. Duffus:

Thank you for your letter of June 7, 1989, transmitting the draft report, Alaska Wildlife Refuges: Minimal Areas Recommended for Additional Wilderness (GAO/RCED-89-155). We appreciate this opportunity for review and comment. We wish to emphasize at this point that the draft Fish and Wildlife Service (Service) wilderness proposals are not yet considered final and further adjustments may be made prior to the Secretary's formal recommendation to the President. As points of clarification concerning the opening paragraph of the draft report, it should be noted that the Wilderness Act of 1964 is indeed a national act, not restricted only to the Fish and Wildlife Service, and recommendations have not yet been submitted to the Secretary, despite the report's assertion.

At the outset, we feel it is essential to point out that a full and extensive public review process was carried out for each of the Alaska refuges prior to the Regional Director making his decision on wilderness recommendations. Comprehensive Conservation Plans were completed for each of the 16 refuges, as called for under the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), and public input and review was an essential part of this process. In addition, at least one formal public hearing was held for each refuge as part of the wilderness review process, as called for in the Wilderness Act of 1964. The Regional Director made his decision on each of these areas only after considering all the available information, including public comments.

A central issue in the draft report is the Director's interpretation of Section 101(d) of ANILCA, the complete text of which follows:

"(d) This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people; accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby."

Appendix III
Comments From the Department of
the Interior

Enclosed with this letter is a copy of the Director's instructions to the Regional Director, based on the above section, as well as the followup memoranda referenced in your draft report. The Director states that wilderness areas are in fact "conservation system units," as defined in Section 102(4) of ANILCA, and thus Congress' intent was to limit the establishment of additional wilderness areas. Contrary to the draft report's assertion that such designation would "merely place an additional classification on lands already in a conservation system unit," wilderness designation does, in fact, limit the flexibility and restricts the management options refuge managers often need in order to properly manage fish and wildlife populations and their habitats. This is pointed out in numerous cases in the individual Comprehensive Conservation Plans and is reemphasized in wilderness review documents. Refuge managers and other Service staff certainly are capable of making professional judgments in terms of the need for such flexibility, but the fact that both the Regional Director and Director are professionals in this area also needs to be emphasized.

In reference to the individual case studies contained as Appendix II of the draft report, it should be noted that, in the case of the Arctic Refuge, both the Regional Director and the Director determined that no part of the review area met the criteria established previously and, therefore, no additional wilderness should be proposed. In terms of the Yukon Flats Refuge, there appears to be some confusion between "minimal management" and "wilderness." These two designations are not the same, as "wilderness" designation provides for restrictions over-and-above those under minimal management.

The only other comments we have are editorial in nature. The map of the Alaska refuges on page 4 should include the Izembek National Wildlife Refuge, located between Alaska Maritime and Alaska Peninsula (see enclosed map). In addition, in the next-to-last line of the last paragraph on page 14, the word "other" should be changed to "others."

Again we appreciate this opportunity for review and comment. Please let us know if we may be of further assistance.

Sincerely,

Susan Rice Spenser

Assistant Secretary for
Fish and Wildlife and Parks

Enclosures

See comment 4

See comment 5
Now on p. 3

Memorandum

To: Regional Director, Region 7

MAR 12 1985

From: Director

Subject: Wilderness Proposals Made in the Comprehensive Conservation Plans
for Alaska Refuges

Section 1017 of the Alaska National Interest Lands Conservation Act (ANILCA) requires the Secretary to review nonwilderness refuge lands in Alaska for their suitability for preservation as wilderness and to submit specific wilderness proposals to the President, who will advise Congress of his recommendations by December 1987. The Service has been incorporating this wilderness review as part of the development of the refuge comprehensive conservation plans (CCPs) required by section 304(g) of ANILCA. In view of recent discussions between Washington and the regional staff, we wish to reiterate the criteria to be used in developing the Service wilderness proposal as part of the CCP process.

On previous advice from the Washington Office, the draft CCPs to date have identified lands under each of the various refuge management alternatives proposed as to their suitability for wilderness. However, the draft plans have not contained specific proposals as to which (if any) lands will be recommended to the Secretary for addition to the Wilderness System. We agree with the concerns expressed by the region that the lack of specific wilderness proposals is confusing to the public in their review of the CCPs. We therefore concur with the regional recommendation to include specific wilderness proposals in all future draft CCPs released for public review.

As part of H.R. 39 prior to the enactment of ANILCA, Congress studied over 64 million acres of land located on existing or potential refuge lands for inclusion in the National Wilderness Preservation System. After careful review, Congress designated 18 million acres of refuge lands as wilderness under ANILCA. In light of the extensive process that led to the designation of these wilderness lands, we would not expect that additional large blocks of land would be proposed for wilderness in the CCPs.

In making a determination as to whether or not any additional lands should be proposed for wilderness, the region should be guided by the language in section 101(n) of ANILCA, which states that:

This Act provides sufficient protection for the national interest in the...public lands in Alaska, and...provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people; accordingly, the designation and disposition of the public lands...consistent to this Act are found to represent a proper

2

Accordingly, the designation and disposition of the public lands...pursuant to this Act are found to represent a proper balance...and thus Congress believes that the need for... designating new conservation system units...has been obviated...

Section 102(4) defines the term "conservation system unit" to include units of the National Wilderness Preservation System.

Consistent with the intent of section 101(d), the Service should focus its wilderness proposals on 1) the need for wilderness boundary adjustments or 2) the addition of selective areas with outstanding resource values that may have been inadvertently overlooked during the original wilderness review and subsequent designations undertaken by Congress. For example, existing wilderness boundaries may be adjusted to include an entire watershed or other ecological entity. In other cases, new information gathered in the comprehensive planning/wilderness review process may identify a tract of nonwilderness land with exceptionally high or unique wildlife resource values that might benefit from the additional recognition conveyed by wilderness status.

Within the Service's preferred management alternative, two or three wilderness proposals, including one proposing no change in the current status, should be presented to the public for their review and comment. Of these alternatives, the one recommended by the Service should follow the above guidelines.

To ensure that wilderness issues do not delay overall CCP development, coordination of future wilderness proposals with the Washington Office should occur early in the planning process. Irene Magyar in the Division of Refuge Management (FTS 343-4450) will serve as your primary contact on wilderness issues.

/SGD/ROBERT A. JANTZEN



ADDRESS ONLY THE DIRECTOR
FISH AND WILDLIFE SERVICE

United States Department of the Interior

FISH AND WILDLIFE SERVICE
WASHINGTON, D.C. 20240

AUG 20 1987

In Reply Refer To:
FWS/RF

Memorandum

To: Regional Director, Region 7

From: ~~Supervisory~~ Director

Subject: Preparation and Submission of Wilderness Proposals for National
Wildlife Refuges in Alaska

This responds to your memorandum of July 17, 1987, in which you propose a process for submitting the Region's recommendations for additional wilderness in Alaska national wildlife refuges (refuges).

In general, I concur with the procedure you have outlined. However, I am concerned about the effect a signed Record of Decision will have on the Department's ability to revise proposals if warranted. Therefore, I am directing you to postpone executing any further Records of Decision for final plans which propose wilderness additions until I have been briefed and have given concurrence. This would include Alaska Peninsula, Kodiak, Yukon Flats, Yukon Delta, Alaska Maritime and Arctic Refuges. You should combine these wilderness briefings with your submission of the refuge wilderness packages for Kenai, Becharof, and Togiak Refuges.

The Fish and Wildlife Service's (Service) policy with regard to wilderness proposals in Alaska remains the same as in 1985, i.e., limited to boundary adjustments or selective areas of outstanding resource values overlooked in previous congressional designations. You should review and ensure all proposals for wilderness designation comply with the March 12, 1985, memorandum (attached).

Furthermore, recommendations for wilderness must be used as recognition, not as a management tool. Use of the minimal management category for vast areas with high natural resource values is the appropriate means of ensuring the Service's ability to manage these areas in a manner that meets the purposes for which those refuges were established. Most importantly, it preserves the opportunity for the Service use of a variety of management tools to meet special needs and conditions as they arise.

Appendix III
Comments From the Department of
the Interior

2

Contact the Acting Assistant Director for Refuges and Wildlife, or
Noreen Clough (FTS-343-4313) who is the staff person responsible for
Alaska wilderness issues, to schedule the briefings.



Attachment

NC-C-0-p.100 - 3-11

AUG 21 1987

In Reply Refer To:
FWS/RF

Memorandum

To: Regional Director, Region 7

From: Director

Subject: Arctic National Wildlife Refuge Comprehensive Conservation Plan,
Internal Review Draft

Attached is an annotated copy of comments on the Arctic National Wildlife Refuge Comprehensive Conservation Plan. The Division of Refuges reviewed the document in terms of consistency with the Arctic Refuge Coastal Plain Resource Assessment and report to Congress, and consistency with the Fish and Wildlife Service's (Service) March 1985 policy concerning proposals for wilderness.

In regard to the report to Congress, please ensure that the appropriate changes are made to bring the plan in line with the report. Overall there appears to be few serious contradictions, and changes can be incorporated to meet your time schedule for publishing a public review draft.

The summary of the Service's wilderness policy for Alaska in the "Dear Reader" letter is well stated. However, the proposal to add 5.2 million acres of designated wilderness, as outlined in the preferred alternative, is inconsistent with that policy. Most of the congressional reports prepared during the Alaska National Interest Lands Conservation Act (Act) debates (excluding those dealing with the "1002 area"), centered on or acknowledged the wilderness values of the original Arctic Refuge. With such discussion of wilderness values, it is highly unlikely that the Congress overlooked an area of over 5 million acres when it chose to designate almost 8 million acres as wilderness.

Further, contrary to inadvertently overlooking values in the 5.2-million acre area you propose to add, Congress recognized that both the Wind and Ivishak Rivers had exceptional scenic, recreational, and wildlife values and designated them as Wild and Scenic Rivers by section 402 of the Act.

2

Clearly, before the plan and wilderness review goes to the public, I expect that either you can provide a compelling rationale to demonstrate why such a proposal meets Service policy or the wilderness proposal must be modified.

If you have any questions concerning the attached comments or my policy on additions to the wilderness system, call the Acting Assistant Director for Refuges and Wildlife, or Mureen Clough (FTS-343-4313) who is the staff person responsible for Alaska wilderness issues.

/s/ FRANK DUNKLE

Attachment

cc: Directorate Reading File - 3248 MI
RF/CCF - 2343 MI
CCU - 3012 MI
DD Chron - 3248 MI

RF/MClough:csw 8/13/87:3434313
RF/8/14/per Gillett's changes

RC-compser-3-10

The following are GAO's comments on the Department of the Interior's letter dated July 7, 1989.

GAO Comments

1. GAO recognizes that the Wilderness Act is a national act and is not restricted only to FWS. The sentence in the report refers to criteria developed by FWS based on the Wilderness Act.
2. FWS has forwarded its recommendations to the Assistant Secretary of the Interior for Fish and Wildlife and Parks. The Assistant Secretary has not forwarded the recommendations to the Secretary. The report has been appropriately adjusted.
3. As discussed in the body of the report, GAO disagrees with Interior's interpretation of Section 101(d) of ANILCA.
4. The report has been adjusted to eliminate any possible confusion.
5. The map has been corrected to include Izembek National Wildlife Refuge.

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